

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-16-03-GF-BMM

Plaintiff,

vs.

HARLAN JEROME DEAN MAD
PLUME,

Defendant.

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Mr. Mad Plume of violating his conditions of supervised release by absconding from the Great falls Transition Center. Mr. Mad Plume admitted to the violations. His supervised release should be revoked, and he should be sentenced to time served, with thirty months of supervised release to follow to include treatment at Crystal Creek.

II. Status

United States District Judge Brian Morris sentenced Mr. Mad Plume to six months in custody, with thirty-six months of supervised release to follow, after he pleaded guilty to Assault Resulting in Serious Bodily Injury. (Doc. 59.) Mr. Mad Plume began his current term of supervised release on November 22, 2016.

Petition

On January 31, 2017, the United States Probation Office filed a petition asking the Court to revoke Mr. Mad Plum's supervised release. (Doc. 64.) The Probation Office accused Mr. Mad Plume of violating his conditions of supervised release by absconding from the Great Falls Transition Center. (*Id.*) Based on the petition, Judge Morris issued a warrant for Mr. Old Chief's arrest. (Doc. 65.)

Initial appearance

On March 16, 2017, Mr. Mad Plume appeared before the undersigned in Great Falls, Montana, for an initial appearance. Federal Defender Brian Levine accompanied him at the initial appearance. Assistant United States Attorney Jared Cobell represented the United States.

Mr. Mad Plume said he had read the petition and understood the allegations. He waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned. The Court continued the revocation hearing so the Probation Office could explore treatment options for Mr. Mad Plume.

Revocation hearing

The Court conducted Mr. Mad Plume's revocation hearing on June 20, 2017. He admitted that he violated the conditions of his supervised release. The

violations are serious and warrant revocation of his supervised release.

Mr. Old Chief's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months. He could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The parties agreed that a sentence of time served, with thirty months of supervised release to follow to include treatment at Crystal Creek would be appropriate in this instance. Both parties waived their right to appeal this sentence.

III. Conclusion

Mr. Mad Plume's supervised release should be revoked because he admitted violating its conditions. He should be sentenced to time served, with thirty months of supervised release to follow. His supervised release should include substance abuse treatment at Crystal Creek. This sentence would be sufficient given the serious violation of the Court's trust, but it would not be greater than necessary.

The Court FINDS:

Harlan Jerome Dean Mad Plume violated the conditions of his supervised release by absconding from the Great Falls Transition Center.

The Court **RECOMMENDS:**

The district court should enter the attached Judgment, revoking Mr. Mad Plume's supervised release and committing him to the custody of the United States Bureau of Prisons for time served, with thirty months of supervised release to follow. His supervised release should include substance abuse treatment at Crystal Creek.

Dated the 20th day of June 2017.



John Johnston
United States Magistrate Judge